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Attorneys for Plaintiffs,
BMG MUSIC; MAVERICK RECORDING
COMPANY; UMG RECORDINGS, INC.;
CAPITOL RECORDS, INC.; SONY BMG
MUSIC ENTERTAINMENT; and ARISTA
RECORDS LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BMG MUSIC, a New York general partnership;
MAVERICK RECORDING COMPANY, a
California joint venture; UMG RECORDINGS,
INC., a Delaware corporation; CAPITOL
RECORDS, INC., a Delaware corporation;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; and ARISTA
RECORDS LLC, a Delaware limited liability
company,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 3:07-CV-04868-WHA

Honorable William H. Alsup

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for January 3, 2008, at 11:00 a.m. to April 3, 2008. As further explained below, there is
3 not yet a named defendant in this case, and Plaintiffs do not yet know the true identity of Defendant
4 John Doe ("Defendant").

5 Plaintiffs filed the Complaint against Defendant on September 20, 2007. Plaintiffs did not
6 have sufficient identifying information to name Defendant in the Complaint, but were able to
7 identify Defendant by the Internet Protocol address assigned to Defendant by Defendant's Internet
8 Service Provider – here, University of San Francisco ("USF"). Accordingly, also on September 20,
9 2007, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the
10 Court's permission to serve a Rule 45 subpoena on USF so that Plaintiffs could discover information
11 sufficient to identify Defendant. On September 25, 2007, this Court issued its Order Granting
12 Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery authorizing Plaintiffs to
13 serve a Rule 45 subpoena on USF.

14 On November 30, 2007, USF responded to several subpoenas served by Plaintiffs' on USF in
15 conjunction with this case and other similar cases. However, USF did not provide Plaintiffs with
16 information permitting Plaintiffs to identify Defendant in this particular case. Since that time
17 Plaintiffs, have been in communication with USF and are attempting to determine whether USF
18 possesses further information that would allow Plaintiffs to identify Defendant. If Plaintiffs
19 determine that USF does not have such information, Plaintiffs will promptly file a notice of
20 dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41. If Plaintiffs are able to
21 identify Defendant, Plaintiffs will attempt to contact Defendant and attempt to resolve this dispute.

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HOLME ROBERTS & OWEN LLP

MATTHEW FRANKLIN JAKSA
Attorney for Plaintiffs

IT IS ORDERED that the case management conference currently set for January 3, 2008, at 11:00 a.m. be continued to April 3, 2008.

By: _____
Honorable William H. Alsup
United States District Judge